

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:	:	CHAPTER 13
KYLE VAN DYK and	:	
DINA MARIE VAN DYK	:	
Debtor(s)	:	CASE NO. 5:24-bk-02793-MJC
	:	
	:	
JACK N. ZAHAROPOULOS	:	
CHAPTER 13 TRUSTEE	:	
Movant	:	
	:	
	:	
vs	:	
	:	
KYLE VAN DYK and	:	
DINA MARIE VAN DYK	:	
Respondents	:	

TRUSTEE’S MOTION TO DISMISS CASE

AND NOW, on February 12, 2025, comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, through his attorney Agatha R. McHale, Esquire, and respectfully represents the following:

1. On January 22, 2025, a First Amended Chapter 13 Plan was filed. (ECF No. 19).
2. On January 31, 2025, an Order was entered that denied Confirmation of the First Amended Chapter 13 Plan. (ECF No. 23).
3. As of the date of this Motion, neither a stipulation nor an amended plan have been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to

creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose either a stipulation or a confirmable plan.

Respectfully submitted,

/s/ Agatha R. McHale, Esquire

Id: 47613

Attorney for Movant

Jack N. Zaharopoulos

Standing Chapter 13 Trustee

Suite A, 8125 Adams Drive

Hummelstown, PA 17036

Phone: 717-566-6097

email:

amchale@pamd13trustee.com

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	:	
KYLE VAN DYK and	:	
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Respondents	:	

NOTICE

NOTICE IS HEREBY GIVEN that Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

U.S. Bankruptcy Court
Max Rosen U.S. Courthouse
Courtroom #2
197 S. Main Street
Wilkes-Barre, PA 18701

Date: March 11, 2025

Time: 10:00 am

Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Date: February 12, 2025

/s/ Agatha R. McHale, Esquire
Id: 47613
Attorney for Movant
Jack N. Zaharopoulos
Standing Chapter 13 Trustee
Suite A, 8125 Adams Drive
Hummelstown, PA 17036
Phone: 717-566-6097
email: amchale@pamd13trustee.com

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DINA MARIE VAN DYK	:	
Respondents	:	

CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on February 12, 2025, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1st Class mail from Hummelstown, PA, unless served electronically.

Served electronically

Christopher Cassie Esq
1000 Maplewood Drive Suite 202
Maple Shade JN 08052

UNITED STATES TRUSTEE
1501 NORTH 6TH STREET BOX 302
HARRISBURG, PA 17102

Served by 1st Class Mail

KYLE VAN DYK & DINA MARIE VAN DYK
3037 Pleasant View Drive
Kunkletown PA 18058

I certify under penalty of perjury that the foregoing is true and correct.

Date: February 12, 2025

/s/ Judy Haubert
Office of Standing Chapter 13 Trustee
Jack N. Zaharopoulos
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: 717 566-6097
email: info@pamd13trustee.com

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ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed. The Court retains jurisdiction to rule on any timely filed fee application